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Letter dated 17 October 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the response of the Government of Iraq to the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq submitted to the Commission at its fifty-seventh session (E/CN.4/2001/42) as well as to his interim report to the General Assembly at its fifty-sixth session (A/56/340).

I should be grateful if you would have this letter and its annex circulated as a document of the Third Committee of the General Assembly under agenda item 119 (c).

(*Signed*) Mohammed A. **Aldouri**
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Annex to the letter dated 17 October 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Response of the Government of Iraq to the reports of the Special Rapporteur

Introduction

1. The Government of the Republic of Iraq has considered the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq submitted to the Commission at its fifty-seventh session (E/CN.4/2001/42) and his interim report to the General Assembly at its fifty-sixth session (A/56/340). In view of the fact that the same questions are raised and the same allegations are made in both reports, the Government of Iraq deems it appropriate to respond to them together in the present document.

Before embarking on a response to the allegations made in the two reports, we regard it as of the utmost importance that we should refer to one fact that must not be ignored, and that is that human rights do not prosper as they should in times of war and that respect for human rights is enhanced when peace prevails and development flourishes. The Committee on the Elimination of Racial Discrimination, in reviewing Iraq's fourteenth report (CERD/C/320/Add.3) in 1999, noted (A/54/18, para. 339):

> "... the difficult economic and social situation prevailing in the country as a result of the war ... and the economic sanctions, as well as foreign military incursions in different areas of the country, which have caused human suffering as well as the destruction of part of the country's basic infrastructure and, ultimately, have had a negative impact on the full implementation of the human rights treaties, including the Convention. ..."

In accordance with the foregoing, we must call attention to a fundamental consideration that must be borne in mind. It is that, for more than a decade, the basic rights of the Iraqi people have been grossly violated by the large-scale aggression against it in 1991 and by the five major acts of aggression — in 1992, 1993, 1996, 1998 and 2001 — that constitute a unilateral use of force against an independent State without the authorization of the United Nations.

The Iraqi people also endures grave violations of its right to determine its political, economic and social system with the interference in its internal affairs of the United States of America. The United States has allocated 97 million dollars under the so-called Iraq Liberation Act adopted by the United States Congress and approved by the United States President in order to fund the so-called Iraqi opposition in carrying out terrorist operations that pose a threat to the security and safety of civilians inside Iraq. This is in addition to the sheltering and training of venal mercenary elements at United States military bases and in some of the neighbouring countries.

Human rights in Iraq are also subject to real and serious violation by the maintenance of the unjust blanket economic embargo that has now entered its twelfth year and that has deprived Iraqis of such basic rights as the right to life.

Many treaty bodies have indicated as much in their concluding observations concerning the situation in Iraq. The Committee on the Rights of the Child, commenting on document CRC/C/41/Add.3 of 9 December 1996, notes that (A/55/41, para. 308):

> "... the economic embargo imposed by the Security Council has adversely affected the economy and many areas of daily life, thereby impeding the full enjoyment by the State party's population, particularly children, of their rights to survival, health and education. ..."

With regard to document CEDAW/PSWG/2000/II/CRP.2/Add.2, the Committee on the Elimination of Discrimination against Women is of the view that the comprehensive sanctions regime imposed on Iraq has had a negative impact on the life of the people and has caused a major increase in maternal and child mortality and in cases of cancer, including leukaemia.

In paragraph 56 of his preliminary report to the General Assembly at its fifty-sixth session, contained in document A/56/210 of 23 July 2001, the Special Rapporteur of the Commission on Human Rights on the right to food states:

> "With regard to the principle that food should not be used as an instrument of political and economic pressure, the case of Iraq is important. There can be little doubt that subjecting the Iraqi people to a harsh economic embargo since 1991 has placed the United Nations in a clear violation of the obligation to respect the right to food of people in Iraq. ... ."

2. The maintenance of the economic embargo, as well as depriving the Iraqi people of the full enjoyment of its basic rights, has caused the deaths of more than 1.5 million Iraqis, and this is to be regarded as a deliberate and systematic crime of genocide against the Iraqi people.

3. The daily military aggression by the United States and the United Kingdom that has been under way since 1991 in the illegal so-called no-flight zones is in flagrant violation of international law and the Charter of the United Nations. Thousands of civilians have been killed by it and tens of thousands wounded, and there has been deliberate destruction of economic infrastructure and vital installations in Iraq, including water purification plants, electric power stations, schools, houses of worship and granaries. The fair-minded nations of the world, including three countries that are permanent members of the Security Council, namely the Russian Federation, China and France, have stated that the no-flight zones are illegal under the Charter of the United Nations and international law. At his press conference of 27 June 2001, the Secretary-General of the United Nations also said that there was no basis in the resolutions of the Security Council for the imposition of the no-flight zones in northern and southern Iraq. His actual words were (SG/SM/7865):

> "You know my position on this, and I have indicated that when you analyse and read the Security Council resolutions I do not see the Security Council resolutions as a basis for that."

4. It is obvious from the executive summary of and introduction to the report of the Special Rapporteur to the Commission on Human Rights (E/CN.4/2001/42), that his sources of information on the situation of human rights in Iraq were the meetings he held during his visit to Iran with those he calls "religious dignitaries", "Iraqi

refugees" and "Iraqis who were allegedly expelled from Iraq in the early 1980s because of being of Iranian origin". In the nature of things, such sources will be hostile, especially since those he calls "religious dignitaries" and "Iraqi refugees" are in fact terrorists and criminals who have committed offences that are punishable by law, such as the murder, rape, theft, looting and burning of public and private property that took place during the disturbances that followed the 1991 aggression against Iraq. These persons are, moreover, still engaging in acts of terrorism directed against the integrity, stability and security of Iraq, such as the detonation of car bombs in public places and the targeting of residential buildings, and they are being funded by United States and British intelligence agencies, both openly and secretly, and by neighbouring countries.

5. The logical conclusion to be drawn by any fair-minded person who approaches human rights issues in an objective and transparent manner and without political prejudice is that it is impossible to accept the human rights violations alleged in the two reports as reflecting a real state of affairs in Iraq from which it is possible to draw any conclusions.

6. In sum, a cursory review of the intentions and objectives of the sources on which the Special Rapporteur relies for his information on alleged human rights violations in Iraq shows that it is not possible to trust the credibility of those sources given their political positions that are hostile to Iraq and because they provide no evidence whose validity can be investigated.

7. For the most part, the two reports contain allegations of a general nature that are devoid of the details that it would be possible to investigate. It is impossible for the Government of Iraq to respond to allegations of such generality, and it can only do so if it is provided with names and detailed information on the cases where clarification is being sought. In paragraph 24 of the report to the Commission at its fifty-seventh session, for example, it is stated that "During the visit to Iran, the Special Rapporteur interviewed the brother of an individual of Shia faith who was allegedly arrested in 1989 [i.e. 1998] ... and executed about five months later". The Special Rapporteur does not reveal the name of the person he met or of the person who was executed so as to enable the relevant Iraqi authorities to investigate the validity of these claims.

8. The Government of Iraq would like to state that it had been hoping that the reports of the Special Rapporteur would be marked by objectivity, transparency and balance. It is to be regretted that the Special Rapporteur does not include in his report to the General Assembly at its fifty-sixth session such information provided to him by the Government of Iraq as that contained in its note of June 2001 concerning the bombing by United States and British aircraft of a soccer field in the Tall Afar area of northern Iraq, which killed 23 children and youngsters and wounded dozens of others, so that the international community might be aware of a heinous crime that reflects the contempt of these two countries for human rights standards and the basic norms of international humanitarian law.

Detailed comments of the Government of Iraq on the two reports

I. Humanitarian issues

9. The Special Rapporteur reviews humanitarian issues in Iraq and, in both reports, he expresses concern at the deterioration in the humanitarian situation owing to the maintenance of the embargo. The Government of Iraq would like to express its appreciation for the interest shown by the Special Rapporteur in this regard, but it had hoped for a greater degree of concern on his part for the deterioration in the humanitarian situation caused by the comprehensive sanctions that have been maintained against Iraq since 6 August 1990.

10. In order to reveal the extent of the damage done and of the economic and social deterioration there has been in Iraq, as a humanitarian issue that cannot be separated from the cumulative impact of widespread war damage and the prolonged economic sanctions on the living conditions of the Iraqi population, the humanitarian situation in Iraq prior to the events of 1990 to 1991 must be compared with that currently prevailing. This was done in the report of Ambassador Amorim, Chairman of the panels established pursuant to the note by the President of the Security Council of 30 January 1999, as contained in annex II to document S/1999/356. It indicates that:

> "[11.] ... at the end of the last decade Iraq's social and economic indicators were generally above the regional and developing country averages. GDP in 1989 stood at 75.5 billion [dollars] for a population of 18.3 million. ... By 1988 GDP per capita totalled 3,518 US dollars. ... ... economic growth ... had benefited the country's infrastructure. ...
>
> "[12.] ... As highlighted by FAO, at about that time Iraq had one of the highest per capita food availability indicators in the region. ...
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> "[13.] According to WHO, prior to 1991 health care reached approximately 97 per cent of the urban population and 78 per cent of rural residents. The health care system was based on an extensive expanding network of health facilities linked up by reliable communications and a large fleet of service vehicles and ambulances. ... A major reduction of young child mortality took place from 1960 to 1990 ... (1991 Human Development Report ...). UNICEF indicates that a national welfare system was in place to assist orphans or children with disabilities and support the poorest families.
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> "[14.] As described by UNICEF, the Government of Iraq made sizeable investments in the education sector from the mid-1970s until 1990. According to UNESCO, educational policy included provision for scholarships, research facilities and medical support for students. ... the combined primary and secondary enrolment ratio stood at 75 per cent (... above the average for all developing countries ...). Illiteracy had been reduced to 20 per cent by 1987. ...
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> "[15.] ... the South and Centre of Iraq had a well developed water and sanitation system ... . WHO estimates that 90 per cent of the population had access to an abundant quantity of safe drinking water. There were modern mechanical means of collection and sanitary disposal.
>
> "...

"[17.] After the Gulf War and under the effect of sanctions it is estimated that Iraq's GDP may have fallen by nearly two-thirds in 1991, owing to an 85 per cent decline in oil production and the devastation of the industrial and services sectors ... . According to figures provided by UNFPA, per capita income fell from 3,416 dollars ... in 1991 ... to less than 1,036 dollars in 1998. ...

"[18.] As mentioned by UNFPA, the maternal mortality rate increased from 50/100,000 live births in 1989 to 117/100,000 in 1997. The under-five child mortality rate increased from 30.2/1,000 live births to 97.2/1,000 during the same period. ...

"[19.] ... UNFPA and ... the International Federation of Red Cross and Red Crescent Societies believe that as many as 70 per cent of Iraqi women are suffering from anaemia."

This is in addition to "the prevalence of malnutrition" and other diseases, the "massive deterioration in basic infrastructure, in particular in the water supply and waste disposal systems", the decline in the capacities of health-care installations, the fall in school enrolment to 53 per cent and the "accelerating decline of the power sector" (paras. 19-23). International organizations have confirmed "the cumulative effect of the sanctions regime and economic decline on the social fabric of Iraq"; WHO has mentioned "the extreme isolation of the Iraqi scientific community and its outdated expertise"; ICRC has observed that "medical training is no longer guaranteed"; and UNICEF has spoken of "a whole generation of Iraqis who are growing up disconnected from the rest of the world" (para. 26). (For further details see document S/1999/356, annex II.)

11. Mention should be made in this connection of some of the statements made by Mr. Marc Bossuyt in the working paper he presented to the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session (E/CN.4/Sub.2/2000/33):

"[59.] The sanctions against Iraq are the most comprehensive, total sanctions that have ever been imposed on a country. The situation at present is extremely grave. ..."

"[67.] ... sanctions have an overwhelmingly greater negative medical and social impact on women, as women bear the brunt of the social and economic displacements and upheaval."

"[68.] ... 'We are in the process of destroying an entire society. It is as simple and terrifying as that. It is illegal and immoral'. ..."

"[71.] The sanctions regime against Iraq is unequivocally illegal under existing international humanitarian law and human rights law. Some would go as far as making a charge of genocide. ..."

12. In paragraph 20 of his report to the Commission (E/CN.4/2001/42), the Special Rapporteur states that "the oil-for-food programme ... [has] met to some extent certain immediate needs". We should here like to state that, despite the commitment of the Government of Iraq to the implementation of the memorandum of understanding on the oil-for-food programme as a temporary and exceptional expedient for the mitigation of the embargo pending its elimination, the complex nature of the procedures under the memorandum of understanding and the ongoing practice of the United States and the United Kingdom of placing holds on

humanitarian contracts in the Security Council Committee established by resolution 661 (1990) has deprived the memorandum of understanding of its humanitarian substance and has transformed it into a constant drain on Iraq's resources that fails to achieve any appreciable improvement in the humanitarian situation of the Iraqi people. There is also the inequitable apportionment of the proceeds, which amounted to 37.4 billion dollars in the period from December 1996 to 12 September 2001. Of this total, 13.46 billion dollars have been withheld for purposes of compensation and 1.9 billion dollars to cover the costs of the United Nations. Iraq has, in any event, received goods and equipment valued at only 14.78 billion dollars while 1,529 contracts worth 4.07 billion dollars have been placed on hold and 824 contracts worth 2.10 billion dollars have been blocked. Over the same period, contracts worth 11.96 billion dollars were approved under which the items ordered have yet to be delivered.

13. Despite the wave of international protest against such inhuman conduct on the part of the United States and the United Kingdom, the United States policy of placing contracts on hold is only escalating. Most of these contracts are of an emergency humanitarian nature, such as contracts for vaccines against childhood diseases. This conduct has gone to such exaggerated extremes that the representative of France in the Security Council has characterized the blocking and delaying of vaccine contracts as a matter of the utmost gravity from the moral point of view. We also refer in this connection to the statement made to the Security Council by the Secretary-General on 24 March 2000 to the effect that the suffering of children in Iraq owing to the sanctions had posed "a serious moral dilemma" for the United Nations.

The comprehensive economic embargo imposed on Iraq has spread hunger, disease and poverty and has impeded the development process. This places a moral and legal responsibility on the international community and requires that the Special Rapporteur should demand the lifting of the embargo without further delay and immediate action to mitigate the inhuman impact it has had on the Iraqi people.

14. In paragraph 13 of his report to the Commission (E/CN.4.2001/42), the Special Rapporteur quotes a statement in a report of the Secretary-General to the effect that "... a sanctions regime that enjoyed considerable success in its disarmament mission has also been deemed responsible for the worsening of a humanitarian crisis — as an unintended consequence" (S/2000/1132, para. 135). In this connection, the Government of Iraq would like to state that the successful disarmament of Iraq was achieved because of its committed cooperation and not because of the sanctions regime, which has caused nothing but suffering to the people of Iraq. In return for this cooperation, the United States of America and the United Kingdom embarked on large-scale military aggression on 16 December 1998. At the same time, they have refused to allow the Security Council to discharge its corresponding obligations to lift the sanctions on Iraq in accordance with paragraphs 21 and 22 of resolution 687 (1991) or to implement paragraph 14 of resolution 687 (1991), concerning the establishment of a zone free of weapons of mass destruction in the Middle East.

15. The characterization of the suffering of the Iraqi people as "an unintended consequence" is devastating and lacks any moral dimension. All of the evidence over the past 11 years confirms the premeditated and deliberate intention of the United States and British administrations to inflict this suffering on the Iraqi people.

Former United States Secretary of State Madeleine Albright was asked in an interview on the television programme "60 Minutes" on 12 May 1996: "... a half million children have died [in Iraq] ... is the price worth it?". She replied: "... we think the price is worth it". Perhaps this corroborates what we say. The unjustifiable holds placed on contracts by the United States and British representatives in the 661 Committee represent further evidence that the infliction of this suffering on the Iraqi people is deliberate.

16. In paragraph 19 of his report to the Commission, the Special Rapporteur states that Iraq should "take all necessary steps, to the maximum of its available resources, to achieve the realization of the rights enshrined in the [International] Covenant [on Economic, Social and Cultural Rights]". The Government of Iraq would like to point out that the resources currently available are paltry when compared to those spent for other purposes such as compensation or the administrative costs of the United Nations (as indicated in para. 12 above). The realization of economic, social and cultural rights, as urged by the Special Rapporteur, can therefore only come about with the lifting of the comprehensive embargo imposed on the country.

II. Religious intolerance and persecution

17. The Special Rapporteur makes a number of accusations to the effect that Shiite men of religion are being subjected to harassment and frequent arrest and that religious ceremonies are being disrupted by the use of armed force, "with a resultant reduction in the number of religious scholars [and] students" (para. 22). The Government of Iraq would like to state that Iraqi society is a single community and that the confessional division within it that is promoted by parties hostile to Iraq in a desperate attempt to destroy the unity and cohesion of the Iraqi people does not exist. Iraq has always been a country of religious tolerance and of brotherhood and harmony among all religions and sects, and its people has not displayed any religious or sectarian discrimination or fanaticism. All exercise their rights in accordance with the Constitution and the relevant laws, including Law No. 50 of 1981 and the protection of religious communities statute (Law No. 32 of 1981).

18. In connection with the statements made in paragraph 24 of his report (E/CN.4/2001/42), the Government of Iraq asks the Special Rapporteur to give the names of the persons who were allegedly executed on charges of belonging to what he calls "a Shia movement" or of having in their possession "Islamic books and other religious papers".

19. In paragraph 25 of the report it is stated that there are restrictions on the performance of religious ceremonies. The Government of Iraq denies this, and it wishes to state that the measures taken by police personnel on religious occasions have the purpose of facilitating the performance of the religious ceremonies and ensuring the well-being and protection of visitors.

20. In paragraph 28 of the same report, the Special Rapporteur states that "laws imposing the death penalty for certain crimes are applied retroactively". The Government of Iraq would like to state that there are no laws that impose the death penalty retroactively and that the only law applicable to a crime is that in effect at the time it is committed. This is required by the Constitution and by all penal laws, including the Penal Code (Law No. 111 of 1969), as amended. As for "the existence of cemeteries, allegedly both in Baghdad and in the Governorate of Misan, where executed prisoners are buried", such allegations are devoid of truth.

21. In connection with paragraph 29 of his report, the Special Rapporteur does not give the names of the persons on whose fate clarification is being sought and who are alleged to have been executed by the Iraqi authorities. It is thus impossible to investigate these allegations and respond to them.

22. With regard to paragraph 30 of the same report, it should be said that Kamil Aziz al-Janabi committed an act prejudicial to State security and was referred to the competent courts in accordance with the law and sentenced thereunder. There is no truth to the story about him that is related in this paragraph.

23. In paragraph 32 of the report, the Special Rapporteur states that he had asked "whether prostitution is a crime and the punishment therefor". The Government of Iraq would like to state that, in its desire to eliminate the practice of prostitution in the light of its incompatibility with the social values prevailing in the community and the provisions of the Islamic Shariah, it promulgated the Suppression of Prostitution Law (Law No. 8 of 1988), as amended. The Law regards prostitution as a crime, and article 4 establishes for it a remedial penalty by which the prostitute is detained in a reformatory established for this purpose with a view to her reform, rehabilitation and restoration to the community. In order to ensure a legal, just trial and facilitate the adoption of the appropriate means of punishment and treatment, the misdemeanour courts have jurisdiction to consider the acts stipulated in articles 4, 12, 11 and 6 of the Suppression of Prostitution Law in accordance with the general rules laid down in the Code of Criminal Procedure (Law No. 23 of 1981). The legislature has considered the crime of procurement to be a felony, and it is punishable under article 3 by imprisonment for a period of not more than seven years. In view of the increase in crimes of procurement in recent times and the emergence of organized procurement networks that have exploited the deteriorating economic situation caused by the sanctions in order to destroy the religious and moral values of the community, the legislature has proceeded to increase the severity of the penalties for such persons under Revolution Command Council Decree No. 118, of 27 August 1994, which reads as follows:

> "(a) Whoever has directed a group for purposes of procurement as stipulated in article 1 of the Suppression of Prostitution Law (Law No. 8 of 1988, as amended) shall be subject to the death penalty.
>
> "(b) The moveable and immoveable property of those mentioned in paragraph 1, or of any one of them, that is used as a place of procurement shall be confiscated."

The felony courts in Iraq have jurisdiction to consider this crime since this Law took effect, on the date of its publication in the Official Gazette, 5 September 1994, in accordance with the provisions of the Code of Criminal Procedure.

In this connection, the Government of Iraq would like to indicate that the statement made by the Special Rapporteur in his report to the General Assembly at its fifty-sixth session to the effect that a number of women who had committed the crime of prostitution had been executed (A/56/340, para. 26) is untrue. The death penalty was carried out because they had committed the crime of procurement. All legal guarantees were provided to the accused, and their trial took place in accordance with the Code of Criminal Procedure.

24. In response to the allegations made in paragraph 33 of the Special Rapporteur's report to the Commission, the Government of Iraq would like to state

that the information available to the relevant authorities is that Jabbar Sa'd al-Rahmawi died of natural causes in 1985 [sic] and that his son, Falih Jabbar Sa'd al-Rahmawi and the latter's paternal uncle, Sabbar Sa'd al-Rahmawi, were remanded to the competent courts on charges of having assassinated the administrator of Akikah district and a number of government officials. A verdict was rendered against them, and it became final. It should be noted that Iraq submitted a detailed response on the matter in document A/C.3/55/5 (sect. III.A.).

25. The validity of the claims made in paragraph 35 of the report could in no way be ascertained.

IV. Armed raids on villages

26. The Government of Iraq denies that there is any truth to the allegations made in paragraphs 37, 38 and 39 of the Special Rapporteur's report to the Commission. It would like to state that, in the performance of their duties, police officers protect security by means of routine patrols in all parts of the country. There may be confrontations between them and outlaws. Searches are carried out only on the basis of a judicial warrant. In the case of the Basha'ir (Albashar) district, what happened was that certain outlaws engaged in acts of violence in which they intruded into homes, caused serious damage to the private property of citizens and killed a number of residents and that this forced the police to intervene in the context of their regular duties.

V. Torture and other cruel, inhuman or degrading treatment

27. In response to the allegation made in paragraph 41 of the same report, the Government of Iraq affirms that Iraqi legislation prohibits torture and regards it as a crime punishable by law in accordance with articles 331 and 332 of the Penal Code and article 127 of the Code of Criminal Procedure. The confession of the accused resulting from any form of coercion is regarded as null and void and devoid of any legal validity. We previously stated this in document A/C.3/55/5 (sect. III.C.).

28. In connection with the allegations made in paragraphs 43 and 44 of the report, the Government of Iraq considers it strange that the Special Rapporteur should give currency to general assertions that lack the most elementary evidence. It therefore calls upon the Special Rapporteur to provide it with the names of the persons who claim to have been tortured so that it may investigate the matter.

29. The claims made in paragraphs 42 and 45 are untrue.

VI. Arbitrary arrest and detention, fair trial and due process of law

30. The Government of Iraq would like to state that the allegations made in paragraphs 47, 48, 49 and 50 of the report in question lack such specific facts as names, dates and places. This makes it impossible to investigate the validity of these claims. We can only remind the Special Rapporteur of the provision of the 1981 Iraqi Code of Criminal Procedure that forbids the arrest or detention of any person other than in accordance with a warrant issued by a judge or in the circumstances permitted by the law.

31. In connection with paragraph 51 of the report to the Commission, the Government of Iraq has already provided the Special Rapporteur with copies of the Iraqi Constitution of 1970, the Judicial Organization Law of 1979, the Code of

Criminal Procedure (Law No. 33 of 1981), the Penal Code (Law No. 111 of 1969), the Code of Civil Procedure of 1969, and the State Consultative Council Law and its amendments.

32. With reference to paragraph 53, the Government of Iraq would like to affirm that the allegations made are untrue and that trials in Iraq are conducted in accordance with the law. Judges are not subjected to any pressures by any party whatever, because the independence of the judiciary is guaranteed by the Constitution.

VII. Mass relocations of non-Arabs and arabization of areas from which they are expelled

33. The Government of Iraq has already explained on every possible occasion that the allegations relating to expulsions and forceable resettlement, such as those made in paragraph 54 of the report, are devoid of truth and that citizens living in the areas that are alleged to have been the scene of these actions are living their normal lives, going about their daily business, enjoying their rights and performing their duties in accordance with the law (see document A/C.3/55/5, sect. III.G.).

34. There is no truth to the allegations made in paragraphs 55 and 56 of the report, and we ask the Special Rapporteur to provide evidence and to supply the Government of Iraq with the names of those alleged to have been expelled from the areas in which they lived.

VIII. Missing Kuwaitis

35. In paragraphs 58 to 66 of his report, the Special Rapporteur addresses the subject of missing Kuwaitis. The Government of Iraq would like to make the observations set forth hereunder.

(a) The Government of Iraq has cooperated with the International Committee of the Red Cross (ICRC) from the outset, given its humanitarian mandate with regard to this issue. All can testify to the fairness, impartiality and effectiveness of this reputable international humanitarian institution. The legal and technical mandate to handle this issue was thus conferred on ICRC exclusively in accordance with mechanisms adopted by ICRC and approved by the parties concerned. However, the constant attempts of the United States of America and the United Kingdom to politicize this issue and the armed aggression committed by these two countries in December 1998, to say nothing of their continuing aggression in the so-called no-flight zones imposed in northern and southern Iraq in flagrant violation of the Charter of the United Nations and international law, motivated the Government of Iraq to seek a halt to the participation of the United States of America and the United Kingdom in the meetings of the Tripartite Commission entrusted with this issue. We should take particular account of the fact that the task to be accomplished is a humanitarian one that requires a significant degree of interaction and confidence among those engaged in it. The two countries in question do not have any cases of personnel of their own who are missing and are playing a purely destructive role, inasmuch as they have constantly been trying to obstruct the work of the Tripartite Commission and politicize the issue of the missing persons in the service of their own objectives.

(b) The Government of Iraq, believing that the question of missing persons, regardless of their nationality, is a humanitarian issue, has approached with all seriousness all of the impartial initiatives proposed to resolve the matter of the missing Iraqis, Kuwaitis and Saudis and missing persons of other nationalities with the aim of searching for them and establishing their fate.

In this connection, the Government of Iraq welcomed the initiatives of the League of Arab States to resolve this humanitarian issue in 1991, 1994 and 1999. The Government of Iraq proposed a new initiative in a letter dated 16 August 2001 from its Minister for Foreign Affairs addressed to the Secretary-General of the League of Arab States, in which it expressed its desire for the League to play a part in helping to resolve this humanitarian issue. It called for the League of Arab States to assume a more active role in this context by forming an Arab committee to monitor the question so that it would not remain in abeyance. This initiative would enhance the role of ICRC as an impartial international agency entrusted by the Geneva Conventions of 1949 with monitoring such humanitarian issues.

The Government of Iraq also proposed another initiative in a letter dated 16 August 2001 addressed to the Secretary-General of the United Nations. It requests his intervention with the United States of America and the United Kingdom so that they would desist from their unwarranted insistence on participating in the work of the Tripartite Commission so that its meetings could resume with the participation of those countries that actually had cases of missing persons. In the event these two countries continued to insist on participating in the meetings, the Government of Iraq requested that three other countries that had a neutral position on the problem, namely the Russian Federation, India and China, should also participate in the meetings. However, the initiatives proposed by the Government of Iraq and the other initiatives advanced by international and regional parties have yet to meet with any positive echoes.

36. Paragraphs 67 and 68 of the report refer to persons expelled to Iran. The Government of Iraq would like to state that the persons expelled were not Iraqi citizens but Iranians who were living in Iraq and who committed acts in violation of the immigration and residency laws. They were therefore expelled in accordance with the laws in force.